



3737

AMENDMENT TRANSMITTALPATENT

Application No.: 10/027,792  
Filing Date: December 20, 2001  
First Named Inventor John R. Adler  
Examiner's Name: Eleni Mantis Mercader  
Art Unit: 3737  
Attorney Docket No.: 007291.P038

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

Preliminary Amendment

Amendment/Response with respect to Office Action dated June 15, 2005.

Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)

Notice of Appeal

RCE (Request for Continued Examination)

Supplemental Declaration

Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)

Information Disclosure Statement (IDS)

Copies of IDS citations

Petition for Extension of Time

Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)

Cross-Reference to Related Application(s)

Certified Copy of Priority Document

Other: \_\_\_\_\_

Other: \_\_\_\_\_

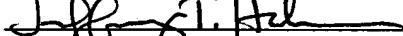
Check(s) \$475.00 fee for extra claims

Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Jeffrey T. Holman

SIGNATURE: 

REG. NO.: 51,812

DATE: September 15, 2005

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

Los Angeles, California 90025

TELEPHONE NO.: (408) 720-8300

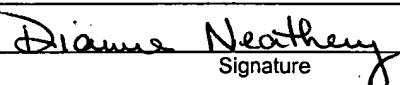
CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to MS: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on September 15, 2005

Date of Deposit

Dianne Neathery

Name of Person Mailing Correspondence

  
Signature

September 15, 2005

Date

Express Mail Label No. (if applicable): \_\_\_\_\_

(10/14/03)

Send to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450



## FEE TRANSMITTAL FOR FY 2005

(FY 2005 Begins 10/01/2004. Fee changes made on 11/22/04 and 12/08/04 are included.)

**TOTAL AMOUNT OF PAYMENT (\$)** 475.00

Complete if Known:

Application No. 10/027,792  
 Filing Date December 20, 2001  
 First Named Inventor John R. Adler  
 Examiner Name Eleni Mantis Mercader  
 Art Unit 3737  
 Attorney Docket No. 007291.P038

Applicant claims small entity status. See 37 CFR 1.27.

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None  
 Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

- Charge fee(s) indicated below.
- Credit any overpayments.
- Charge any additional fees during the pendency of this application.
- Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.
- Charge fee(s) indicated below except for the filing fee

### FEE CALCULATION

#### 1A. BASIC FILING FEE/SEARCH FEE/EXAMINATION FEE

Large Entity		Small Entity		Fee Description		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	300	2011	150	Utility application filing fee	1,000/500*	\$ .00
1111	500	2111	250	Utility search fee		\$ .00
1311	200	2311	100	Utility examination fee		\$ .00
1012	200	2012	100	Design application filing fee	430/215*	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	200	2013	100	Plant filing fee	660/330*	_____
1113	300	2113	150	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	300	2004	150	Reissue filing fee	1,400/700*	_____
1114	500	2114	250	Reissue search fee		_____
1314	600	2314	300	Reissue examination fee		_____
1005	200	2005	100	Provisional application filing fee		_____

**SUBTOTAL (1) \$ 0.00**

\* List the filing, search, and examination fees separately, but pay concurrently.

**1B. APPLICATION SIZE FEE**

				<u>Extra Sheets</u>	<u>Fee from below</u>	<u>Fee paid</u>	
Total Sheets _____ - 100 =				/50 = _____	* X \$125.00	_____	
				*(round up to integer)			
<u>Large Entity</u>	<u>Small Entity</u>			<u>Fee Description</u>			
Fee Code	Fee (\$)	Fee Code	Fee (\$)				
1081	250	2081	125	Utility application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings)			
1082	250	2082	125	Design application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings)			
1083	250	2083	125	Plant application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings)			
1084	250	2084	125	Reissue application fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings)			

SUBTOTAL (2) \$ .00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

				<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	36	- 29** =	7	X \$25.00	=	175.00
Independent Claims	6	- 3** =	3	X \$100.00	=	300.00
Multiple Dependent					=	

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity Small Entity

Code	Fee (\$)	Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	**Reissue independent claims over original patent
1205	50	2205	25	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (3) \$ 475.00

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

<u>Large Entity</u>		<u>Small Entity</u>			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>	<u>Fee Paid</u>
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive – unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1100	2503	550	Plant issue fee	
1464	130	1460	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1463	200	1460	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1462	400	1460	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (4) \$ .00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Jeffrey T. Holman

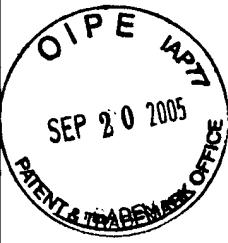
Signature: Jeffrey T. Holman

Reg. Number: 51812

Date: September 15, 2005

Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Attorney Docket No. 007291.P038  
Confirmation No.: 2683

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
John R. Adler  
Serial No.: 10/027,792  
Filed: December 20, 2001  
For: ANCHORED FIDUCIAL  
APPARATUS AND METHOD

EXAMINER:  
ELENI MANTIS MERCADER  
ART UNIT: 3737

MS: Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

AMENDMENT & RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed June 15, 2005, Applicant respectfully requests the Examiner to enter the following amendments and consider the following remarks:

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 6 of this paper.

**Remarks/Arguments** begin on page 13 of this paper.

09/21/2005 ZJUHAR1 00000009 10027792

01 FC:2201	300.00 OP
02 FC:2202	175.00 OP